

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

Robert O. Diggs 2409949
(full name) (Register No.)

Plaintiff(s).

v.

Case No. _____

Greene County Justice Center, et AL
Inmate Services Corp, et AL
(Full name)
Extradition Agent John Doe (1)
Extradition Agent John Doe (2)
Defendant(s).

11-3377-CV-S-ODS-p

COMPLAINT UNDER THE CIVIL RIGHTS ACT OF 42 U.S.C. § 1983

- I. Place of present confinement of plaintiff(s): Greene County Center
1000 N Boonville Springfield mo 65802
- II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.
- A. Plaintiff Robert O. Diggs Register No. 2409949
Address 1000 N. Boonville Springfield mo 65802
- B. Defendant Agent John Doe # (1) & Agent John Doe # (2)
220 North 6th St Suite A West Memphis Arkansas 72301
Is employed as Extradition agent by Inmate Services Corp

For additional plaintiffs or defendants, provide above information in same format on a separate page.

(See Attachment)

Defendants (Dfdfs)

1. Defendant, Inmate Services Corporation is an incorporated entity whose primary corporate office is located at 220 North 6th Street Suite A West Memphis Arkansas 72301 whose Chief Executive officer is John and or Jane Doe, while acting under color of state law in its official and individual capacity did violate plaintiff's clearly established constitutional rights to be protected from cruel and unusual punishment in violation of the 8th amendment to the Constitution of the United States as will appear more fully herein...
2. Defendant John Doe (1) (Extradition Agent employed by Inmate Services Corporation) (hereinafter E.A. of I.S.C.) who was employed by I.S.C. between the dates of July 22nd 2011 ~~to~~RD July 24th 2011 and whose primary ^{work} address is 220 North 6th Street Suite A West Memphis Arkansas 72301 ~~violated~~RD while acting under color of state law in his individual capacity violated plaintiff's clearly established constitutional right to be free from cruel and unusual punishment in violation of the 8th amendment to the Constitution of the United States as will more fully appear herein...
3. Defendant, John Doe (2) Extradition Agent who was employed by I.S.C. between July 22 2011 and July 24 2011 while acting under color of state law in his individual capacity violated plaintiff clearly established constitutional rights to be free from cruel & unusual punishment as proscribed by the 8th Amendment ~~to the~~^{INDIDENT} United States Constitution of the United States as will

appear more fully herein. Whos primary ^{work} Address is
220 North 6th Street Suite A West Memphis Arkansas

4. Defendant ~~RD~~ RD Martin Mahy, Lt who is employed
by the County of Greene State of Missouri, as an officer
of the Greene County Jail facility, whose address is
1000 N Boonville Street Springfield MO 65802

While acting under color of state law in his individual
Capacity, deliberately and recklessly disregarded plaintiffs
Clearly established Constitutional Rights to due process
of law as proscribed by the 5th and 14th amendments to the
United States Constitution as will appear more fully
herein...

5. Defendant Conrad, Captain who is employed by the
County of Greene State of Missouri, as an officer of the
Greene County Jail facility, whose ^{work} address is 1000 N
Boonville Street Springfield MO 65802 while acting under
Color of state law in his individual Capacity, deliberately

~~and recklessly disregarded plaintiffs clearly established Constitutional Rights to due process of law as proscribed by the 5th and 14th amendments to the United States Constitution as will appear more fully herein...~~
and Recklessly disregarded
plaintiffs Clearly established Constitutional Rights to due
process of law as proscribed by the 5th and 14th amendments
to the United States Constitution as will appear more fully
herein...

6. Defendant Howell, Lt who is employed by the County
of Greene State of Missouri as an officer of the Greene
County Jail facility, whose ^{work} address is 1000 N Boonville
Street Springfield MO 65802 while acting under color of state
law in ^{her} ~~his~~ individual Capacity, deliberately and recklessly
disregarded plaintiffs clearly established Constitutional Rights

to due process of law as proscribed by the 5th and 14th amendments to the United States Constitution as will appear more fully herein...

7. Defendant Schnackenburg, Sgt, whose work address is 1000 N. Boonville Springfield Missouri 65802 while acting under color of state law in his individual capacity between the date of July 12th 2011 and July 24 2011 served as "Extradition Service Coordinator" for the County of Greene State of Missouri and who violated plaintiffs clearly established Constitutional right to due process and equal protection of the law as proscribed by the 5th and 14th amendments to the Constitution of the United States by failing and or refusing to protect plaintiffs right to file a formal Complaint against John Does (1) and (2) as will appear more fully herein...

8. Defendant Tim Smith, Greene County Jail administrator whose primary place of employment is/was 1000 N. Boonville St Springfield MO 65802 acting under color of state law in his individual and official capacity violated plaintiffs clearly established Constitutional rights to due process and equal protection of law as proscribed by the 5th and 14th amendments to The Constitution of the United States by failing and or refusing to address the grievance ~~procedures~~ ^{procedures} within the Greene County Jail so that they would permit plaintiff to file a formal Complaint and or charges against John Does (1) and (2) for violating plaintiffs clearly established Constitutional Right to be free from cruel and unusual punishment as more fully appears within ~~INDIGENT~~ ^{INDIGENT} S

9. Defendant Jim Arnott, Sheriff ^{for} ~~of~~ the County of Greene State of Missouri whose primary place of employment is/was 1000 N Boonville St Springfield MO 65802 acting under Color of State law in his individual and official Capacity Violated plaintiffs Clearly established Constitutional Rights to due process and equal protection of law as proscribed by the 5th and 14th amendments to the Constitution of the United States by failing and/or Refusing to address the grievance procedures within the Greene County Jail so that they would ^{permit} plaintiff to file a formal Complaint and/or Charges against John Does (1) and (2) for ~~violating~~ ^{violating} plaintiffs Clearly established Constitutional right to be free from Cruel & unusual punishment as more fully appears herein.
- 10 Defendant Harold Bengsch Commissioner ~~of~~ for Greene County State of Missouri whose primary place of employment is/was 940 Boonville, Springfield MO 65802 acting under Color of State law in his individual and official Capacity Violated plaintiffs Clearly established Constitutional Rights to due process and equal protection of law as proscribed by the 5th and 14th amendments to the Constitution of the United States by failing and/or Refusing to address the grievance procedures within the Greene County Jail so that they would permit plaintiff to file a formal Complaint and/or Charges against John Does (1) and (2) for violating plaintiffs Clearly established Constitutional Right to be free from Cruel & unusual punishment as more fully appears herein.

11. Defendant Roseann Bently Commissioner for Greene County State of Missouri, whose primary place of employment is/was 940 Boonville Springfield mo 65802 while acting under Color of State law in her individual and official Capacity Violated plaintiffs Clearly established Constitutional Rights to due process and equal protection of law as proscribed by the 5th and 14th amendment ~~amendments~~ to the ^{Constitution} ~~Constitution~~ of The United States by failing and/or Refusing to address The grievance procedures within the Greene County Jail so That they would permit plaintiff to file a formal Complaint and/or Charges against John Does (1) and (2) for violating plaintiffs Clearly established Constitutional Right to be free from cruel and unusual punishment as more fully appears herein...
12. Defendant Jim Viebrook presiding Commissioner for the County of Greene State of Missouri whose primary place of Employment is/was 940 Boonville Springfield mo 65802 while acting under Color of State law in his individual and official Capacity Violated plaintiffs Clearly established Constitutional Rights to due process and equal protection of law as proscribed by the 5th and 14th amendment to the Constitution of the United States by failing and/or Refusing to address The grievance procedures within the Greene County Jail So that they would permit plaintiff to file a formal Complaint and/or Charges against John Does (1) and (2) for violating Plaintiffs Clearly established Constitutional Right to be free from cruel and unusual punishment as more fully appears herein...

(over)

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13. Defendant Carter SGT who is employed by the County of greene State of missouri as an officer of the greene County Jail facility whose work address is 1000 N Boonville Street Springfield mo 65802 while acting under color of state law in his individual capacity, deliberately and recklessly disregarded plaintiffs clearly established Constitutional Rights to due process of law as proscribed by The 5th and 14th amendments to the united States Constitution as will appear more fully herein...

14. Defendant Greene County State of missouri
Statement Same as Defendants 9, 10, 11 & 12

15. Defendant Greene County Justice Center
Statement Same as Defendants 9, 10, 11, 12 & 14

16. Defendant State of Missouri
Statement Same as Defendants 9, 10, 11, 12, 14 & 15

- III. Do your claims involve medical treatment? Yes X No
- IV. Do you request a jury trial? Yes X No
- V. Do you request money damages? Yes X No
- State the amount claimed? \$ / (actual/punitive)
- VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No
- VII. Grievance procedures:
- A. Does your institution have an administrative or grievance procedure? Yes X No
- B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes ~~X~~ No X
- C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)
- _____
- _____
- _____
- D. If you have not filed a grievance, state the reasons.
- Administrative State I didn't have a grievable matter
- _____
- _____
- VIII. Previous civil actions:
- A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes No X
- B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes X No
- C. If your answer is "Yes," to either of the above questions, provide the following information for each case.
- (1) Style: Robert O Diggs
(Plaintiff) (Defendant)
- (2) Date filed: Aug 3, 2011 Aug 11, 2011 Aug 19, 2011

- (3) Court where filed: Western District of Missouri
- (4) Case Number and citation: 11-3286-CV-S-ODS-P, 11-3290-CV-S-ODS-P, 11-3299-CV-S-ODS-P
- (5) Basic claim made: Crue/Unusual punishment, Due process of law
- (6) Date of disposition: Pending
- (7) Disposition: Pending
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: _____
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.
- July 22, 2011 plaintiff was picked up by defendants Agent John Doe # (1) and John Doe # (2) Extradition Agents contracted by Greene County State of Missouri to transport plaintiff back to Missouri for a warrant on failure to appear on a burglary in the Second degree from Cook County Jail in Chicago IL. Plaintiff was handcuffed? shackled with leg irons and taken to a van; placed in a 5 by 6 or 6 by 6 cage with 5 other pretrial detainees as van was en route to St Paul MN. Plaintiff's other detainees repeatedly requested to use the restroom. Plaintiff and another detainee on the van.
- (See Attachment S.O.C)
- B. State briefly your legal theory or cite appropriate authority:

See Attached
Damages

Statement of Claim (S.O.C)

Known as Michael were talking about how it wasn't right that the detainees (pretrial) were not allowed to use the restroom and had not eaten in 10 hrs. Plaintiff stated how he could not hold his urine any longer and requested again to use the restroom. Plaintiff urinated on himself and repeatedly asked the Agents to go to the rest room. At which point plaintiff began to state that a lawsuit could be filed because of the inhumane treatment which the plaintiff and others were being subjected to, which also was cruel? unusual punishment at that time. John Doe #2 pulled over to the side of the highway and John Doe #1 got out the passenger side seat unlocked the door to the cage which plaintiff & others were in and told plaintiff to get out of the van that since ^{plaintiff} had to use the restroom so had to go on the side of the road as plaintiff stated that Agent John Doe #1 didn't have to act like that he was only requesting to go to the bathroom? ^{They were driving} ~~plaintiff had not~~ as plaintiff got ready to finish urinating John Doe #1 grabbed plaintiff by the neck slammed him into the van bending plaintiff back to a painful position as the other pretrial detainees watched with handcuffs? belly chains? leg irons still secured John Doe #1 held up a can of mace? stated if plaintiff said one more word he (John Doe #1) was going to mace plaintiff. Plaintiff stated he didn't do anything, at that point John Doe #1 sprayed mace in plaintiff RD ~~mouth~~ mouth & face then threw plaintiff to the ground as plaintiff began to have an asthma attack at which time the detainees on the van started asking "why you mace him he wasn't resisting or fighting you"? you know he has asthma" John Doe #1 stated Plaintiff should have shut up? if they kept talking he would do the same to them as plaintiff gasped for air on the ground? getting bitten by mosquitos detainee Michael told Agent John Doe #1 to give plaintiff his asthma inhaler agent John Doe #1 told the detainees he wasn't going to give me anything that since he (detainee Michael)

Was my buddy that he needed to give it to plaintiff. as plaintiff gasped for air? Sustain multiple mosquito bits agents John Doe^{#1}? John Doe^{#2} did nothing to assist plaintiff. as Nothing came out of plaintiff's inhaler the detainees (pretrial) kept saying get some help after about 3-5 mins agent John Doe^{#1} kept telling plaintiff to get in the van as plaintiff gasped & grabbed at other detainees for help

Agent John Doe^{#1} told Agent John Doe^{#2} to call for help. a short while later a unknown Wisconsin State patrol officer pulled up & asked John Doe^{#1} what happen John Doe^{#1} stated that plaintiff was talking about how this wasn't right and that wasn't right & how law suits could or should be filed for the way they were being treated.

Defendant John Doe^{#1} stated by doing so plaintiff was citing a riot. the State trooper then asked if everyone was handcuffed with belly chains? leg irons

John Doe^{#1} said yes the State trooper then asked were they getting rowdy or out of there sits John Doe^{#1} stated no that plaintiff wouldn't shut up.

paramedics showed up after about 10 minutes they informed Agent John Doe^{#1} That plaintiff might have to be taken to the hospital to be checked out

Since he was having an asthma attack & chest pain? that the agents would have to follow Defendant John Doe^{#1} told the paramedics that they would not be going to any hospital because they had other people to pick up and was on a time limit? that they (medics) would have to work on plaintiff right there on the side of the road while plaintiff continued to gasp for air and continued to be bitten by hundreds of mosquitos defendant John Doe^{#1} told the medics that it was no big deal nobody has died yet from being sprayed with mace that had Asthma.

after medics gave plaintiff oxygen? assisted the best they could to help plaintiff after about an hour in the van agent said that plaintiff was fine? that we needed to go.

Plaintiff tried to tell the medics that Defendant John Doe^{#1} didn't have to spray him with mace because plaintiff didn't do anything upon hearing hearing this Agent John Doe^{#1} said that ~~he~~^{plaintiff} was ok and that Plaintiff trying to cite a riot that's why he got maced? that was what he (Defendant John Doe^{#1}) was going to put in his report to the Greene County Jail State of Missouri.

Shortly after we were back on the road Agent John Doe^{#1} lit & handed out cigarettes which plaintiff eyes & skin still burned from being maced & not being decontaminated? the detainees that didn't smoke had to suffer with the second hand smoke as no windows were able to open. The van traveled all night with plaintiff having to sit in the same uniform which he had been maced & urinated in plaintiff was driven around for two days along with other detainees (petrial) going from State to State. The van was not equipped with seat belts poor ventilation a trip that would hence ordinarily take 8 hrs took 2 days during which time the van traveled to several Jail facilities agents drove all night with restrained movement which caused plaintiff knees to ache hips hurt constant neck pain! Sleep deprived and malnourished as detainees were only able to receive a cheese burger & small glass of water every 8 to 10 hrs and use the restroom...

Agents told plaintiff & other detainees to be quiet because the other Agent was sleep. The Agent had his seat reclined all the way back where he could sleep comfortably? right in front of the cage which had a black plastic bag blocked detainees view of the whole front area of the van was the first row seat made into a bed for the Agents to lay down? stretch out while the other agent drove.

detainees complained of pain due to the long periods of time having to be cramped together the way their neck had to be

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positioned as they tried to sleep? Smell The body fluid of himself
? That of another detainee who had been on the van for six days
with a Clonidine bag? When the van came to a stop the A/C would
stop working and at times it would be extremely hot? the van constantly
smelled of body matter? plaintiff is six feet tall? weigh 216 pounds
with five other male detainees in a 6x6 cage for days at a time
while being sleep deprived? treated inhumane? is a clear violation
of plaintiff's other like him clearly established constitutional right
to be protected from cruel? inhumane treatment and or punishment...

II. upon arriving at the green county jail in Springfield mo
on July 24, 2011 while being booked in by an unknown officer
at this time plaintiff informed booking officer about the inhumane
treatment? assault? macing by the extradition agents this officer
stated plaintiff was not the only one to complain about similar
treatment? inhumane conditions while in the custody of these
extradition companies however officer informed plaintiff that
there was nothing he could do about the issue ^{Plaintiff} would have to
take up the issue with other supervisor above him.

Plaintiff ^{speak to} other unknown officer about the facts stated within
? informed them that he (plaintiff) wished to file a complaint? criminal
charges against extradition agents for the assault on plaintiff and a
complaint as to the treatment received by plaintiff and others like
plaintiff. plaintiff was told to contact Lt. Martin Mahy, after
several days? several different officers talking? trying to get a
complaint filed as well as criminal charges for assault? grievances
denied several times plaintiff again contacted ^{Defendant} Lt. Martin Mahy
on ^{ed} July 28 2011 regarding the assault on plaintiff by John Doe #1
which is employed by a company contracted by green county

State of Missouri

plaintiff received responses back from Defendant Martin Mahy Angell stating "Can't help you. The incident happened outside my Jurisdiction."

plaintiff again spoke with unknown Gargert at the Greene County Jail regarding the issues stated again plaintiff was informed that many detainees that have been extradited from other places by these kind of companies have made complaints to the Jail's staff as to the treatment received while in their custody however the Jail does nothing and will do nothing nor will the County or State.

plaintiff have sent several request attempting to get some assistance from the Jail & County of Greene State of Missouri to get complaints filed all have been refused.

plaintiff spoke with Defendant Sgt Center Aug 22 2011 about being denied calls to file a criminal complaint against John Doe^{#1} for the ~~assault~~^{assault} that took place July 22, 2011 while in the custody of the extradition company contracted by Greene County State of Missouri. Defendant Center stated (again) that it is a policy, practice, or custom of the County of Greene State of Missouri to not get involved with issues involving extradition companies contracted by them by the State as to food, clothing or any other issues while in their custody unless something was to happen to their inmate or County property which is a clear disregard to pretrial detainee welfare & safety by recklessly disregarding plaintiff's others like plaintiff clearly established Constitutional Rights to be protected from cruel & unusual punishment & violation of due process of law by continuing to implement a ~~policy~~^{policy} policy, practice, regulation or custom that outsources the transportation of accused individuals to private extradition companies which have been reported time and again as treating accused

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individuals in cruel & inhumane treatment.

Damages

Each defendant individually and/or officially while acting under color of State law, have violated, and continue to violate plaintiffs clearly established constitutional rights to be free from Subjection to cruel and unusual punishment while being transported between Jail facilities as well as having refused and/or denied plaintiff the clearly established Constitutional Rights to ^{Due} ~~be~~ process and equal protection of law as proscribed by The 5th, 8th and 14th amendments to the United States Constitution. as a direct result of Defendants John Doe (1) and (2)'s deliberate disregard of plaintiff's right to be protected from cruel and unusual punishment, plaintiff was caused to suffer excruciating and debilitating pain that was the result of a severe asthma (sic) attack that was caused by Defendant John Doe (1) assaulting plaintiff both physically and with chemical mace when defendant knew or had reason to know plaintiff had a medical condition that would prohibit the use of such a chemical agent. Furthermore, Defendants John Doe (1) and (2) callously disregarded plaintiff's clearly established Constitutional right to be protected from cruel and unusual punishment by forcing plaintiff to be transported in ^{conditions} ~~conditions~~ of confinement as described more fully herein and refusing to provide plaintiff with an emergency grievance procedure whereby such constitutional deprivations could be immediately redressed.

Defendant Inmate Services Corporation violated plaintiff's clearly established constitutional rights to due process and equal protection of law by recklessly disregarding plaintiff's rights to be free from cruel and unusual punishment in **INDIGENT** that those policies, practices, regulations or customs in

effect during the period between July 22nd and July 24th ^{were} ~~there~~ such that Does (1) & (2) were permitted to transport more prisoners in such a small space that was safe, permitted Doe's (1) and (2) to treat plaintiff as described herein without any formal training in the treatment of prisoners, and failed to provide plaintiff any recourse for filing a formal grievance/ Complaint against Doe's (1) and (2) thereby causing plaintiff to be deprived of his Constitutional liberties to redress the Violations as described herein...

all greene County Jail, and/or greene County, State of missouri defendants either individually and/or collectively, while acting under color of State law in their individual and/or official capacity violated plaintiffs clearly established Constitutional rights to due process and equal protection of law by failing and or refusing to provide plaintiff with a policy, practice, regulation or custom whereby he could file a formal Complaint against Defendants John Doe's (1) and (2)...

- X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

(See Attached)

- XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name.

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ___ No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes ___ No X

If your answer is "Yes," state the name and address of the lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 20th day of September 2011.

Robert Digg
Signature(s) of Plaintiff(s)

Relief Requested

- 1.) To File a formal Civil Rights Complaint against Defendants' John Doe's (1) and (2) and to have Such prosecuted to the fullest extent of the law,
- 2.) Declaratory Judgement declaring the rights of plaintiff herein
- 3.) actual damages against each named defendant in an amount equal to their deliberate deprivation of plaintiffs rights but not less than \$18,000.00;
- 4.) punitive damages to punish the defendants for their intentional, willfull, deliberate reckless, and Callous disregard for plaintiffs Clearly established Constitutional Rights as described herein in an amount Sufficient to punish the defendants but not less Than 125,000.00;
- 5.) award plaintiff reasonable attorneys' fees;
- 6.) a trial by Jury on all issues triable by a Jury
- 7.) a preliminary injunction restraining and enjoining their defendants, Successors in office, agents and employees, and all persons acting in Concert with them from taking any form of retaliation for commencement of This action

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- 8.) An order demanding Regulation of Such transportation to be approved by this Court;
- 9.) Training and Supervision be ordered for Such transportation and approved once Submitted to Courts for approval to ensure No further instances Can occur again
- 10.) Such Services be Suspended until a Safer more humane manner of transportation be approved & which Can be better Supervised
- 11.) any other relief the Court deems Just and proper in the premise
- 12.) Award plaintiff an additional \$20,000.00 for mental and emotional anguish
- 13.) Class action Status
- 14.) appointment of Counsel to represent plaintiff in Stated matters

GREENE COUNTY JUSTICE CENTER
1000 N Boonville
Springfield MO. 65802

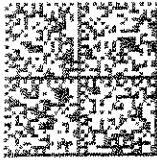
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MARSHALS
INDIGENT
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Robert Duggs
Inmate Name

240994

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U.S District Court
Western Division of MO
222 Hammers Parkway Suite #1400
Springfield MO 65806

